

FILED  
1200 O'Clock P.M.

JUN 15 2011 ✓

w/o

State v. James A Ray  
V1300CR201080049

SANDRA K MARKHAM, Clerk  
By: RHONDA HAGEN

**THE DEFENSE PRESERVES ALL OBJECTIONS TO THE COURT'S FINDING THAT A DUTY EXISTS AND TO THE COURT'S DECISION TO GIVE ANY JURY INSTRUCTION RELATED TO A DUTY.** The following instructions are proposed only at the Court's request as means of decreasing the likely harm and confusion that would arise from the existing draft instructions.

Proposal 1:

On pp. 6-7, at the end of the definition of Manslaughter, add the definitions of "conduct," "voluntary act," and "omission" as presently listed on page 6.

Strike the rest of letter A on page 6 (the first paragraph and the last paragraph).

Proposal 2

On page 6, strike the first and last paragraphs under "A." At the end of the definition of "omission," add the following sentence:

"The only duty you may consider in this case is whether the Defendant has violated the Manslaughter statute, as defined below in instruction 6."